

SOVEREIGN IMMUNITY

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United States and Japan, signed Apr. 2, 1953, U.S. TIAS 2863; 4 UST 2063, 2077; 206 UNTS 113, 214. Article XVIII, paragraph 3, Treaty of Friendship, Commerce and Navigation between the United States and Nicaragua, signed Jan. 21, 1956, U.S. TIAS 4024; 9 UST 449, 463; 367 UNTS 3, 26.

The Government of the United States and the Government of the Netherlands agreed in 1953:

"... that neither Government will assert on behalf of any air carrier enterprise of its nationality, which engages in air transport operations into or through the territory of the other, the defense of sovereign immunity from suit in any action or proceeding entered into against such air carrier enterprise in any court or other tribunal of the other Government (or in the latter's territories or possessions) based upon any claim arising out of the air carrier's operations to and from the territory of the United States or the Netherlands, as the case may be, and further agree that neither Government will authorize any such air carrier to assert any such defense in its own behalf."

Agreement effected by exchange of notes (concerning air transport services), June 19, 1953, U.S. TIAS 2828; 4 UST 1610, 1611; 212 UNTS 249, 250.

The Trade Agreement between the U.S.S.R. and the French Republic contains specific provisions as to treatment in France of the U.S.S.R. Trade Delegation, Soviet Russia being a State where foreign trade is a State monopoly. As to members of the Soviet Trade Delegation itself, article 6 provides:

"The Trade Delegation of the Union of Soviet Socialist Republics shall form an integral part of the Embassy of the Union of Soviet Socialist Republics"

"The head of the Trade Delegation of the Union of Soviet Socialist Republics in France and his two deputies shall enjoy all the rights and privileges accorded to members of diplomatic missions."

"The premises occupied by the Trade Delegation of the Union of Soviet Socialist Republics in Paris shall enjoy the immunities accorded to the premises of diplomatic delegations."

However, articles 10 and 11 further specify:

"Article 10

"The Trade Delegation of the Union of Soviet Socialist Republics in France shall enjoy the privileges and immunities arising out of article 6 above, with the following exceptions:

"Disputes regarding commercial transactions concluded or guaranteed in the territory of France by the Trade Delegation of the Union of Soviet Socialist Republics shall, in the absence of a reservation regarding arbitration or any other jurisdiction, be subject to the competence of the French courts and be settled in accordance with

U.S.S.R.-
French
Agreement

*French
treaty
allows
attachment
of
Soviet
property*

EXEMPTIONS FROM TERRITORIAL JURISDICTION

French law, save as otherwise provided by the terms of individual contracts or by French legislation.

"No interim orders may, however, be made against the Trade Delegation.

"Execution of judgements relating to transactions to which the Trade Delegation of the Union of Soviet Socialist Republic[s] in France is a party may be taken against all State property of the Union of Soviet Socialist Republics in France, in particular property, rights and interests arising from transactions concluded or guaranteed by the Trade Delegation of the Union of Soviet Socialist Republics in France, with the exception of property belonging to an organization as referred to in the second paragraph of article 8.

"Property and premises intended solely for the exercise in France of the political and diplomatic rights of the Government of the Union of Soviet Socialist Republics in accordance with international practice, as well as the premises occupied by the Trade Delegation of the Union of Soviet Socialist Republics in France and the movable property situated there, shall not be liable to execution.

"Article 11

"All disputes regarding commercial transactions concluded between economic organizations of the Union of Soviet Socialist Republics and French individuals or bodies corporate shall, in the absence of an arbitration clause, be subject to the jurisdiction of the French courts if the transaction was concluded in France and to the jurisdiction of the courts of the Union of Soviet Socialist Republics if the transaction was concluded in the Union of Soviet Socialist Republics. The courts of the other country shall, however, be entitled to deal with such disputes in every case in which jurisdiction is expressly conferred on them by a clause specifically agreed to in the contract."

Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the French Republic Concerning Reciprocal Trade Relations and the Status of The Trade Delegation of the Union of Soviet Socialist Republics in France, signed at Paris, Sept. 3, 1951, 221 UNTS 92, 94-96.

Note also the Treaty of Trade and Navigation between the Union of Soviet Socialist Republics and the Republic of Austria, signed at Vienna, on Oct. 17, 1955, 240 UNTS 304-314.